

# HOUSE BILL REPORT

## SB 5241

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**As Reported by House Committee On:**  
Judiciary

**Title:** An act relating to the authority of a watershed management partnership.

**Brief Description:** Modifying the authority of a watershed management partnership.

**Sponsors:** Senators Roach and Tom.

**Brief History:**

**Committee Activity:**

Judiciary: 3/14/11, 3/17/11 [DP].

**Brief Summary of Bill**

- Revises the requirements that apply to a watershed management partnership when exercising eminent domain within certain cities in the Lake Tapps area that are not members of the partnership.
- Eliminates the statutory process that allows Lake Tapps area cities to make and resolve a claim of negative impact based on a watershed management partnership's Lake Tapps water supply operations.

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### HOUSE COMMITTEE ON JUDICIARY

**Majority Report:** Do pass. Signed by 9 members: Representatives Pedersen, Chair; Goodman, Vice Chair; Rodne, Ranking Minority Member; Eddy, Frockt, Kirby, Nealey, Orwall and Roberts.

**Minority Report:** Do not pass. Signed by 3 members: Representatives Shea, Assistant Ranking Minority Member; Chandler and Klippert.

**Staff:** Edie Adams (786-7180).

**Background:**

State law establishes a mechanism for conducting watershed planning through a locally initiated process. The process requires watershed planning to include an assessment of water

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supply and use in the planning area. It also requires the development of strategies for future water use. Under the Interlocal Cooperation Act, public agencies may enter into interlocal agreements to form a watershed management partnership to implement all or parts of a watershed management plan. A watershed management partnership may create a separate legal entity to conduct the cooperative undertaking of the partnership. The separate legal entity may contract indebtedness and may issue general obligation bonds.

The Interlocal Cooperation Act provides that if two or more entities with the power of eminent domain join to form a watershed management partnership, then the partnership itself will have the power of eminent domain. Prior to 2009, the Interlocal Cooperation Act did not specifically address whether the separate legal entity formed by a watershed management partnership also has the authority to exercise the partnership's eminent domain power.

In 2009 legislation was enacted that made clear that the separate legal entity created by a watershed management partnership that meets certain criteria has the authority to exercise eminent domain if all of the public agencies that form the partnership have the power of eminent domain. The legislation established specific criteria that must be met for a partnership to exercise eminent domain power. The effect of these criteria limits the application of this provision to one partnership, the Cascade Water Alliance (Alliance), which is a water provider in the central Puget Sound region.

The 2009 legislation established notice requirements and other conditions before the partnership can exercise eminent domain. One of these conditions is that the partnership must enter into an interlocal agreement with a city to allow eminent domain within that city if the city is not a member of the partnership and has water or sewer service areas within one-half mile of Lake Tapps or within five miles upstream from Lake Tapps along the White River.

In addition, the legislation created a process for a city located within this area to file and resolve a claim that the partnership's Lake Tapps water supply operations have a negative impact on the city's water supplies. If a court determines that there has been a negative impact to the city, the partnership must implement a remedy acceptable to the city, and if the city and partnership do not agree on a remedy, the court must establish the terms of a remedy.

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### **Summary of Bill:**

The requirement is eliminated that a watershed management partnership enter into an interlocal agreement with non-partnership cities in the Lake Tapps area before exercising eminent domain within those cities. Also eliminated is the process for these Lake Tapps area cities to make and resolve a claim of negative impact resulting from the partnership's Lake Tapps water supply operations.

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**Appropriation:** None.

**Fiscal Note:** Not requested.

**Effective Date:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.

**Staff Summary of Public Testimony:**

(In support) This is a clean-up of legislation passed two years ago which granted eminent domain authority to the Alliance. Language was inserted into that legislation that gave the cities in the Lake Tapps area some protections and leverage relating to the Alliance's operations. All four cities have entered into an agreement with the Alliance that makes this language unnecessary and they agree that the language should be removed from the statute.

(Opposed) None.

**Persons Testifying:** Senator Roach, prime sponsor; and Megan Schrader, Cascade Water Alliance.

**Persons Signed In To Testify But Not Testifying:** None.